

IN THE UNITED STATE BANKRUPTCY COURT IN AND FOR  
THE WESTERN DISTRICT OF OKLAHOMA

In re: Payne, Dwayne & Sandra  
Debtors

Bankruptcy No. 11-15093 NLJ  
Chapter 13

MOTION TO IMPOSE AUTOMATIC STAY

Now comes Debtors, Dwayne Payne and Sandra Payne, by their counsel Reese Allen, Allen & King, P.C., and moves this Court pursuant to 11 U.S.C. § 362(c)(3)(B) for an order imposing the automatic stay provided under § 362(a) as to all creditors, and states:

1. Debtors filed a petition under chapter 13 on September 16, 2011.
2. Debtors had previously filed a chapter 13 case which was dismissed on September 1, 2011.
3. Debtors' previous case was dismissed for failure to make regular payments. Debtor has down sized and restructured his employee expenses, and has obtained new accounts that he believes will help him make the chapter 13 payment.
4. The Petition in this case has been filed in good faith. Debtors believe that the Chapter 13 plan they submitted will be confirmed and that they will be able to fully perform under the terms of the Plan.
5. The Debtors' prior Chapter 13 case dismissed on September 1, 2011 was the only previous case by the Debtor that was pending during the preceding year.
6. Debtor's prior Chapter 13 case was not dismissed because Debtors failed to file or amend their petition or any required documents, or to provide adequate protection ordered by the Court.

WHEREFORE, Debtors pray that this Court impose the automatic stay under § 362(a) as to all creditors for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under § 362(c)(1) or (c)(2), or a motion to relief is granted under § 362(d).

Respectfully Submitted,

Allen & King, P.C.

s/ Reese Allen

Reese Allen, OBA #215  
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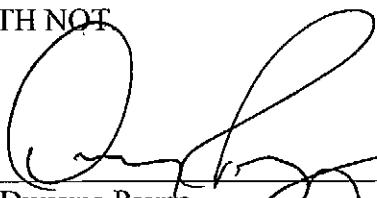
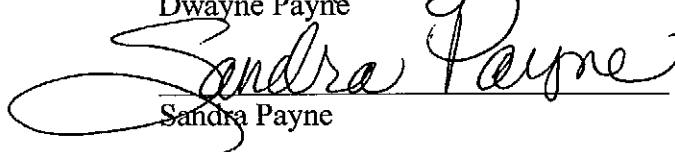
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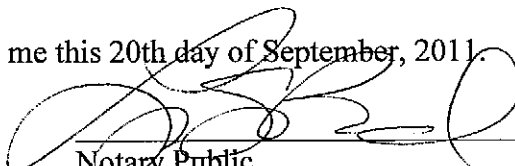
STATE OF OKLAHOMA     )  
                                      )  
COUNTY OF CLEVELAND )     SS.

Our previous case was dismissed for failure to make regular payments. We have down sized and restructured the employee expenses, and has obtained new accounts. We believe this will make the chapter 13 payment easier to pay. The Petition in this case has been filed in good faith. We believe that the Chapter 13 plan we have submitted will be confirmed and that we will be able to fully perform under the terms of the Plan.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_  
Dwayne Payne  
  
\_\_\_\_\_  
Sandra Payne

Subscribed and sworn to before me this 20th day of September, 2011.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

